

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JAMES G. HANSEN,

Plaintiff,

v.

Case No. 12-C-0032

FINCANTIERI MARINE GROUP LLC,

Defendant.

**ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT**

On July 11, 2012, Plaintiff James G. Hansen filed a motion pursuant to Civ. L.R. 7(h) asking for leave to file a second amended complaint. (ECF No. 15.) Plaintiff seeks to add Marinette Marine Corporation (MMC) as a separate party defendant. MMC is a wholly owned subsidiary of Defendant Fincantieri Marine Group LLC (Fincantieri). Given that the date to file an amended complaint had passed and that Plaintiff had already filed one amended complaint in this case, I directed Fincantieri to respond with objections. Fincantieri has done so and the issue is now ready for resolution.

Under Fed. R. Civ. P. 15(a)(2) a court should “freely give leave when justice so requires.” Here, the lawsuit has just begun, and thus the Court’s interest in doing justice in this case on its merits far outweigh all other considerations as to whether leave should be granted to further amend the Complaint. Plaintiff therefore has leave to file a Second Amended Complaint.

However, Fincantieri raises valid points about the costs associated with bringing repeated motion practice based on careless error. The Court issued the Scheduling Order in this matter on

May 18, 2012. (ECF No. 12.) Plaintiff had until July 6, 2012 to amend its pleadings. Plaintiff waited until July 5, 2012 to file an Amended Complaint. Fincantieri filed its Answer to the Amended Complaint on July 10, 2012. In response to every substantive claim asserted in the original Complaint, Fincantieri denied that it engaged in the alleged conduct and identified that MMC took the employment-related actions. Seven times in total, Fincantieri responded that MMC, not Fincantieri, was the decision-maker and actor with regard to employment decisions involving Plaintiff.

Fincantieri has already been required to file two Answers in this case, and the new motion for an Amended Complaint is based only on error. Accordingly, Plaintiff's motion to amend its complaint (ECF No. 15) is **GRANTED** but in the interests of justice Plaintiff must pay the costs Fincantieri expends in filing its new answer.

SO ORDERED this 16th day of July, 2012.

s/ William C. Griesbach

William C. Griesbach
United States District Judge